

**U.S. Department of the Interior
Bureau of Land Management (BLM)
Salem District
Tillamook Field Office**

Determination of NEPA Adequacy (DNA)

Office: Tillamook Field Office (TFO) - Salem District Office

Tracking Number: DOI-BLM-ORWA-S060-2016-0009-DNA

Case file/Project Number: N/A

Proposed Action: East Beaver Creek Road Realignment Project Site 1

Location/Legal Description: T3S-R9W-Sec 2 and 11. Willamette Meridian, Tillamook County Oregon. This Project is located in the East Beaver Creek sub-basin of the Nestucca River Watershed approximately 5 miles Northeast of Beaver Oregon, on lands managed by Stimson Lumber Company. (See Figure 1).

Applicant (if any): Tillamook Estuaries Partnership

Description of the Proposed Action

The East Beaver Creek Road Realignment Project Site 1 focuses on a section of road with a long history of indirect resource effects to water and fish. The proposed action segment of road is in perpetual danger of washing out due to its close proximity to a substantial bend in East Beaver Creek. The following bulleted list outlines the potential problems to water quality and fish.

- Chronic source of sediment due to streambank instability.
- Requires repeated maintenance actions, sometimes at inopportune times of the year.
- Causes water quality degradation that affects Oregon Coast Coho (OC Coho) – an ESA listed fish.

As the current road location is adjacent to East Beaver Creek, large storm events have eroded the edge of the road creating a chronic sediment source (if left unfixed) and often requiring the placement of riprap to stabilize the road-stream interface. Both the failure of the road edge and maintenance actions such as riprap placement during the winter have direct effects to OC Coho and water quality.

The East Beaver Creek Road, built in the mid-20th century is a road located in the valley bottom of a canyon constrained by steep hill slopes, these slopes are very landslide prone (geologically active). Road washouts and road fill failures are common. However, as this road is needed to access private, State, BLM, and Forest Service lands, access must be maintained.

Proposed Action:

- Relocate 1000' road segment further from the stream.
- Relocation will entail
 - Fully decommissioning (obliteration) existing road segment (remove rock and subgrade, remove culvert on intermittent stream, fill and recontour surface, and replant with native weed free grass seed and straw mulched)
 - Constructing a new road segment averaging approximately 100 feet further from the stream toward the base of the slope that reconnects to the existing E. Beaver Creek Road above and below the project area. The new road segment would include two new cross drain culverts with sediment traps to control surface runoff during wet weather.
 - Installing a new culvert on the intermittent stream that meets or exceeds 100 year flood flow.
 - Engineering plans that depict the current road location, the new road location, slopes and erosion control features (sediment traps) is provided as Figure 2.

The new construction portion of the project would require the removal of approximately 30-50 alder and Douglas fir trees approximately 20-25 years old. A few of the alders to be removed may be older. No mature or late-successional forest would be affected.

The project would occur on lands owned by Stimson Lumber Company over a segment of road that currently belongs mostly to Tillamook County except for the easternmost portion, which is BLM controlled road (see Figure 1). The BLM and other agencies/entities have rights to use the road and a continued interest in maintaining access further up the East Beaver Creek Canyon.

The project would be implemented through contract by the Tillamook Estuaries Partnership involving the BLM, USFS, Oregon Dept. of Forestry, Stimson Lumber Co. and Tillamook County.

Because the BLM is partially funding the project, compliance with the National Environmental Policy Act (NEPA) is required and will be completed and documented through this Determination of NEPA Adequacy document.

The action would be implemented in compliance with ESA design standards found in ARBO II (Aquatic Restoration Biological Opinion's) which include: Project Design features (Criteria) for road decommissioning / relocation and culvert projects. National Marine Fisheries Service, April 2013 (BO#:2013/NWP-2013-9664) pg.36-37 and US Fish and Wildlife Service, July 2013 (BO# 01EOW00-2013-F-0090) pg.41-42

Project Design Criteria from ARBO II

Road Decommissioning and Stormproofing

- For road decommissioning and hydrologic closure projects within riparian areas, recontour the affected area to mimic natural floodplain contours and gradient to the extent possible.
- When obliterating or removing road segments adjacent to a stream, use sediment control barriers between the road and stream if space is available.
- Dispose of slide and waste material in stable sites out of the flood-prone area. Native material may be used to restore natural or near natural contours.
- Drainage features used for stormproofing and treatment projects should be spaced as to hydrologically disconnect road surface runoff from stream channels. If grading and resurfacing is required, use gravel, bark, or other permeable materials for resurfacing.
- Minimize disturbance of existing vegetation in ditches and at stream crossings.
- Conduct activities during dry-field conditions (generally May 15 to October 15) when the soil is more resistant to compaction and soil moisture is low.
- When removing a culvert from a first or second order, non-fish bearing stream, project specialists shall determine if culvert removal should include stream isolation and rerouting in project design.

Road Relocation

- When a road is decommissioned in a floodplain and future vehicle access through the area is still required, relocate the road as far as practical away from the stream.
- The relocation will not increase the drainage network and will be constructed to hydrologically disconnect it from the stream network to the extent practical. New cross drains shall discharge to stable areas where the outflow will quickly infiltrate the soil and not develop a channel to a stream.
- This consultation does not cover new road construction (not associated with road relocation) or routine maintenance within riparian areas.

Additional Design Features Included from East Beaver EA or Project Planning.

- Implementation between mid-August and October 15th 2016.

- Daily time restrictions between August 6 and September 15 (no noise generation between two hours before sunset till two hours after sunrise) to meet the USFWS consultation requirements to avoid wildlife disturbance during breeding season.
- Adherence to applicable Best Management Practices outlined in East Beaver Project, Environmental Assessment Number (DOI-BLM-OR-S060-2011-06-EA), (EA), May 2011 Pg. 54-55.

Conformance with the Land Use Plan (LUP)

The proposed action is in conformance with the following land use plans and related documents:

- *Salem District Record of Decision and Resource Management Plan (RMP)* May 1995
- *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines*, (SM/ROD) January 2001
- *Revised Recovery Plan for the Northern Spotted Owl (Strix occidentalis caurina)*. U.S. Fish and Wildlife Service (Spotted Owl Recovery Plan), June 2011

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

Roads Management (RMP p. 11) - Meet Aquatic Conservation Strategy Objectives by:

- Reconstructing roads and associated drainage features that pose a substantial risk; closing and stabilizing, or obliterating and stabilizing roads based on the ongoing and potential effects to Aquatic Conservation Strategy objectives and considering short-term and long-term transportation needs.
- New structures and improvements will be designed to accommodate at least the 100-year flood, including associated bedload and debris.

Applicable NEPA Documents:

- *East Beaver Project, Environmental Assessment Number (DOI-BLM-OR-S060-2011-06-EA)*, (EA), May 2011
- *Finding Of No Significant Impact, East Beaver Project*, (FONSI), June 2011
- *Decision Record East Beaver Project (Environmental Assessment # DOI-BLM-OR-S060-2011-0006-EA)*, (DR), June 2011

Other Related Documents:

Endangered Species Act (ESA) Consultation:

Fish:

- *Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Aquatic Restoration Activities in Oregon and Washington.* (ARBO II) National Marine Fisheries Service, April 2013 (BO#:2013/NWP-2013-9664).

Wildlife:

- *Programmatic Consultation for Aquatic Habitat Restoration Activities in Oregon and Washington,* (ARBO II) US Fish and Wildlife Service, July 2013 (BO# 01E0FW00-2013-F-0090).

NEPA Adequacy Criteria

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes. The current project is similar to the actions and in the same location as those analyzed in the East Beaver EA. The EA analyzed this same segment of road for maintenance and the placement of the existing culvert on the intermittent stream. The EA also analyzed the effects of 0.3 miles of new road construction, and 3.5 miles of road decommissioning including culvert removal and replacement. The current proposed project would construct 0.2 miles of road in an area approximately 0.5 mile upstream from where the road construction analyzed in the EA occurred, and would also decommission an equal 0.2 miles of road. The effects of these actions would be similar in context and intensity to those analyzed in the EA for water quality, fisheries, wildlife, soils and botany. The new road construction proposed here would occur nearer to East Beaver Creek than the construction analyzed in the EA, however the effects are expected to be similar because it would still be far enough away and located in an area where transport of sediment to the stream would be unlikely (flat ground vs. the sloped gradient of the new construction analyzed in the EA). Analysis of culvert replacements and removals on small streams were also analyzed in the EA and were anticipated to have minor effects to water quality or fish resources based on an expected small, short term, pulse of sediment entering the stream once fall rains begin. The culvert removal and replacement that is planned currently is on an intermittent stream approximately 200 feet from East Beaver Creek, the downstream area below the current culvert site is flat and well vegetated, and for these reasons, it is not anticipated to transport sediment (stream flow and sediment sink into ground) to adjoining East Beaver Creek. Consequently, the culvert removal and replacement would have less impact than those analyzed in the EA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes. There are no new circumstances, environmental concerns or changes in resources values since the EA was published that would lead to consideration of additional alternatives. The current proposal entails types of activities that were fully analyzed in the EA and there is no controversy over the need to do the road relocation and culvert replacement work. Therefore, there are no unresolved conflicts over uses of available resources.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. Several new circumstances have arisen since the publication of the East Beaver Project EA and DR on June 16, 2011 but none of these changes have resulted in new information which could affect the adequacy of the analysis.

- Since the East Beaver Project EA was published a number of proceedings pertaining to Survey and Manage (S&M) have transpired. However, since the proposed project would occur entirely on private lands where the S&M mitigation measure do not apply, the changes in the S&M program would have no bearing on the project.
- In January 2015, a new BLM State Director's Special Status Species list was released. There were no changes to the list that would trigger further survey and analysis consequently this change would not affect the adequacy of the NEPA analysis.
- On October 13, 2011, after review of the best available scientific and commercial information, the USFWS determined that ESA listing of the North Oregon Coast population of the red tree vole as a distinct population segment (DPS) was warranted. However, they also determined the development of a proposed listing rule was precluded by higher priority actions to amend the lists of Endangered and Threatened Wildlife and Plants. Analysis in the EA found that red tree voles would not be affected by road construction, decommissioning, and culvert replacement because no habitat trees would be affected by the project (EA pp 37.). Consistent with the EA, no habitat trees would be affected by this project, alder are not habitat for red tree voles and the Douglas-fir trees to be cut are young and not in proximity of any older Douglas-fir, as such they are not considered to be habitat.
- On November 21, 2012, in compliance with an order from a U.S. District Court, the USFWS finalized the 2012 designation of Critical Habitat for the spotted owl. The final rule was published in the Federal Register on December 3, 2012 and became effective on January 3, 2013. The proposed project is not located within Spotted Owl Critical Habitat (private property) and therefore is unaffected by this change.

- On June 26, 2013 Judge Richard J. Leon of the U.S. District Court, District of Columbia ruled in *Swanson Group et al. v. Salazar-DOI/Vilsack-DOA*, that the Owl Estimation Methodology (OEM) violated the Administrative Procedures Act (APA) and has prohibited federal agencies from using the methodology until it has gone through a public review process. This ruling was reversed on June 12, 2015 by Judge Garland of the Court of Appeals for the D.C. Circuit. The court determined that the industry plaintiffs did not have standing to sue, and so reversed the district court, vacated the district court opinion, and remanded with instructions to dismiss the complaint. The OEM is used by the USFWS to estimate “take” of spotted owls resulting from federal actions where insufficient survey data exists. None of the owl estimation sites are located in the Tillamook Field Office and the effects analysis associated with the East Beaver EA would be the same with or without OEM predicted sites included in the assessment. Consequently, the analysis in the EA is accurate and adequate.
 - In 2013 both USFWS and NMFS issued new Biological Opinions (BO’s) on Aquatic Habitat Restoration Activities in Oregon and Washington. These BO’s referred to as ARBO II (see other related documents, above) replaced the ARBO referenced on pg 52 of the East Beaver Creek EA. The one notable change that relates to this project in these consultation documents was the provision to allow new road construction associated with road relocation.
- 4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Project similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes. The East Beaver Project EA adequately addressed the impacts (direct, indirect, and cumulative) of limited new road construction, road decommissioning, and culvert replacement. The action proposed here is well within the intensity and context of the project analyzed in the East Beaver Project EA. The EA analysis found that there would be little possibility of cumulative effects at the subwatershed scale from the original proposed action that would construct 0.3 mile of new road, decommissioning of 3.5 miles of road, and remove 36 stream crossing culverts. The only measurable effects that would be expected from this new proposed action would be to soil resources where there would be an expected loss of soil productivity on an additional 0.8 acres of ground associated with the new road construction. These effects are within the intensity analyzed in the EA. Because there would be an associated decommissioning/obliteration of an equal acreage of road, there would not be any net gain in road mileage, therefore still consistent with the EA. The expected beneficial effects of the action over time would be in line with the effects analyzed in the EA also. Because the effects to soils are site specific and no new road mileage would accrue, there would not be any expected cumulative impacts as concluded in the EA.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Project?

Yes, public involvement and interagency review associated with the 2011 EA is adequate for the current Project. The 2011 EA analyzed substantially similar projects to the project proposed and in the same analysis area. Project scoping and EA public review/comment periods were completed.

External scoping (seeking input from people outside of the BLM) was conducted by means of a scoping letter for the East Beaver Project sent out to 18 municipal government agencies, nearby landowners, and interested parties on the Tillamook Field Office mailing list on March 4, 2011. In addition, a description of the proposal was included in the Salem District Project Updates for Fall 2010 and Winter 2011, which were mailed to more than 200 individuals and organizations.

A total of six comment communications were received as a result of this scoping. Five of the six communications were simple statements of support and require no response. A letter from the Rocky Mountain Elk Foundation (Project Record Document 12) had some suggestions that are summarized and responded to by BLM in *EA Section 1.4.1*. One recommendation in this comment was to seed disturbed soil in road decommissioning areas for deer and elk, seeding with native grass seed is part of the proposed action consistent with this recommendation. The other two recommendations do not apply to this project.

The current proposed action was scoped to the public in the Summer 2016 edition of the Salem District Project Update newsletter, which was sent by email or postal mail to 205 affected and/or interested agencies, tribes, individuals and groups. No comments were received during this scoping period.

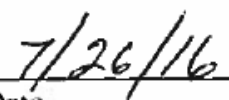
Table 1: List of Person/Agencies/BLM Staff Consulted

Name	Role or Resource Represented	Initials	Initialed
Matthew Walker	Fisheries	<i>MJW</i>	6-17-2016
Steve Bahe	Wildlife/Survey and Manage	<i>SB</i>	6-21-2016
Fred Greateorex	Cultural Resources	<i>FG</i>	7-22-2016
Kurt Heckeroth	Botany	<i>KWH</i>	6-21-2016
Chris Sween	Soils	<i>CRS</i>	7-25-2016
Chris Robinson	Hydrology	<i>DWR</i>	7-26-2016
Joel Churchill	Realty	<i>JJC</i>	7-25-2016

REVIEWED BY




Environmental Coordinator



Date

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.



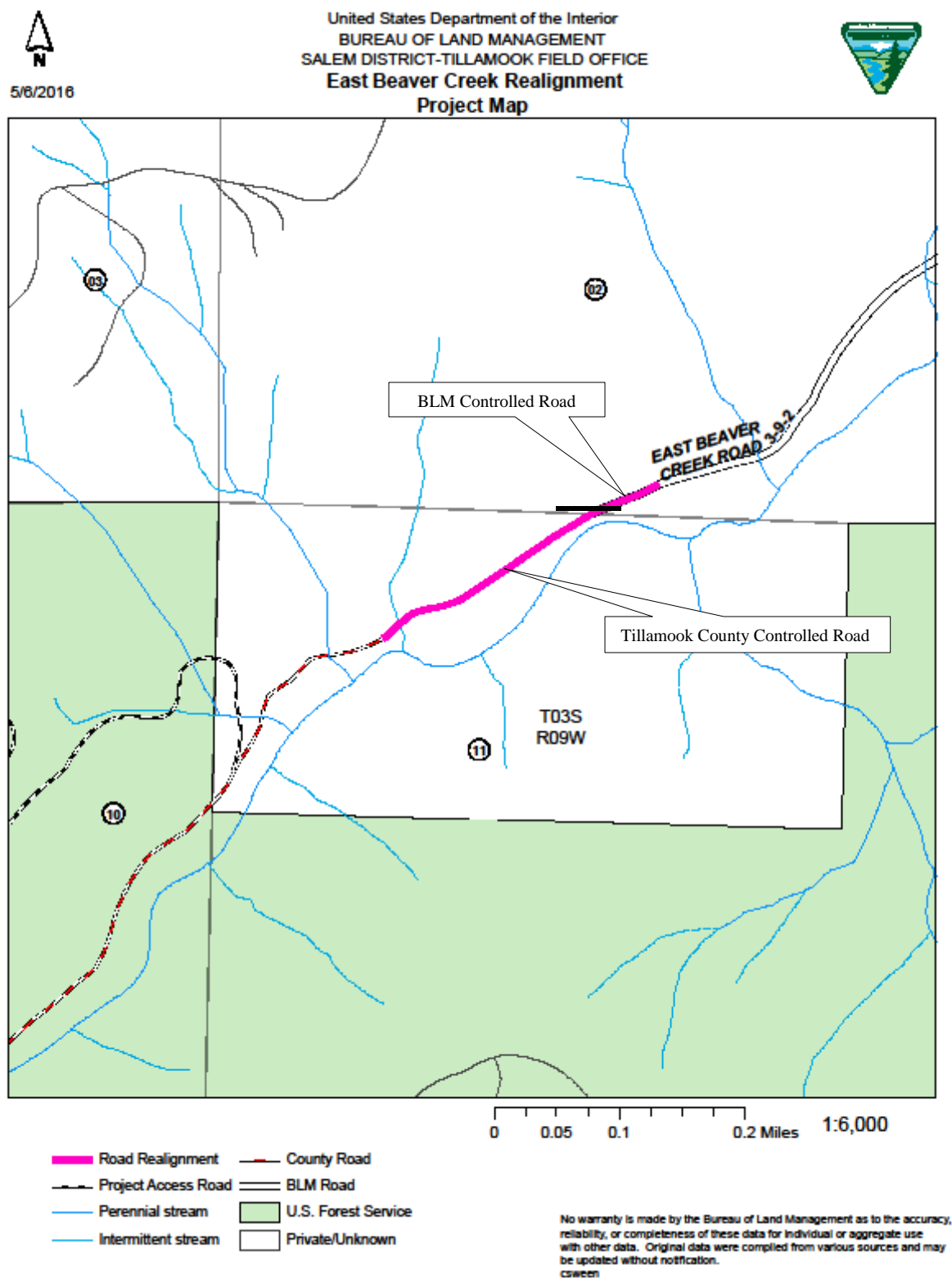
FOR Karen M. Schank
Tillamook Field Manager



Date

Contact Person: For additional information concerning this DNA review contact Matt Walker, Bureau of Land Management, Tillamook Field Office, 4610 Third St. Tillamook, Oregon at (503) 815-1145

FIGURE 1: Road Realignment Site 1



SECTION 2
SECTION 11

P-LINE

E-LINE

PC 13+32.39

10+00

11+00

12+00

13+00

14+00

15+00

16+00

17+00

18+00

19+00

20+00

20+31

BEAVER CREEK

PROPOSED ROAD EMBANKMENT
SOURCE LOCATION /
ORGANIC UNSUITABLE
DISPOSAL SITE

1

2

100

HORIZONTAL

0' 80' 160'

CONSTRUCTION NOTES:

(j) CONTRACTOR SHALL INSTALL SEDIMENT FENCE AS SHOWN. REFERENCE DETAIL ON SHEET 2.

(R) CONTRACTOR SHALL INSTALL SEDIMENT CONTROL STRAW BALES AS SHOWN.

*NOTE: SELECT BORROW SOURCE
EXISTING ROAD BED SHALL BE EXCAVATED AND USED AS BASE MATERIAL FOR THE PROPOSED ROAD BED. ALL ORGANIC MATERIAL SHIPPED FROM THE PROPOSED SITE SHALL BE SPREAD OVER THE EXCAVATED AREA WITHIN THE EXISTING REMOVED ROAD BED.

BEY. NO. DATE ISSUED
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SLIST DISTRICT OGDEN STATE OFFICE

BEAVER CREEK SITE 1
TEMP. EROSION CONTROL STD. DISPOSAL SITE PMU

DESIGNED JAMES VAN AGTHAAL
REVIEWED JAMES VAN AGTHAAL
APPROVED JAMES VAN AGTHAAL

DRAWN: J. VAN AGTHAAL SCALE: 1" = 80'
DATE: 05/2018 SHEET 3 OF 8
DRAWING NO.: 110505000-01-03

*NOTE: SECTIONS SHOWN IN APPROXIMATE LOCATION GRAPHICALLY. NOTE SURVEY USE.

East Beaver Creek Road Realignment Project Site 1
DOI-BLM-ORWA-S060-2016-0009-DNA

**United States Department of the Interior
Bureau of Land Management
Salem District Office, Tillamook Field Office**

DECISION RECORD

DOI-BLM-ORWA-S060-2016-0009-DNA
East Beaver Creek Road Realignment Project Site 1

Decision

It is my decision to implement this action as described in the attached Determination of NEPA Adequacy documentation DOI-BLM-ORWA-S060-2016-0009-DNA. Proposed action elements include decommissioning of 0.2 miles of existing road that is in close proximity to East Beaver Creek affecting water quality and fish resources. The building a new road segment of the same length further from East Beaver Creek eliminating future water quality issues.

Decision Rationale

The proposed action has been reviewed by BLM staff and found to be in conformance with the 1995 Salem District Record of Decision and Resource Management Plan (as amended). Based on the Determination of NEPA Adequacy, I have determined that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Authorized Official: _____

for 
Karen Schank
Field Manager
Tillamook Field Office

Date: _____

7/26/2016

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals (Board or IBLA) according to 43 CFR Part 4 – Department of Interior Hearings and Appeals Procedures, found on the internet at: <http://tinyurl.com/USDIAppealsProcedures>

Appeals can be made by those who have established themselves as a party to the case and that have been adversely affected by the decision (See 43 CFR subpart 4.410). If an appeal is taken, a written notice of appeal must be filed with Karen Schank, Tillamook Field Manager, 4610 Third Street, Tillamook, OR 97141 by close of business (4:30 p.m.) not more than 30 days after the date of service of the decision. Only signed hard copies of a notice of appeal received in the Tillamook Field Office at the

East Beaver Creek Road Realignment Project Site 1
DOI-BLM-ORWA-S060-2016-0009-DNA

address above will be accepted. Appeals faxed, e-mailed, or sent by any other electronic format will not be considered. In order to request a stay of the decision, an appellant must file a petition for stay at the same time as the appeal in accordance with 43 CFR Subpart 4.21(b).

Implementation:

The Tillamook Field Manager plans to implement the project sometime after the 31st day past service of the decision. The decision will be posted on the BLM's NEPA Register web page for the project, which can be found on the internet at: <http://tinyurl.com/E-BeaverRoadSite1>